

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:10-cr-00087-FDW

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ADRIAN PARKER,)
)
Defendant.)
)
)

ORDER

THIS MATTER is before the Court on Defendant's Motion to Reduce Sentence Pursuant to First Step Act of 2018 (Doc. No. 434), Motion for Release from Custody (Doc. No. 436), Motion for Default (Doc. No. 439), and Motion for Issuance of Jail Credit (Doc. No. 441). This Court has previously issued at least two rulings denying Defendant's multiple motions seeking the same relief (Doc. Nos. 427, 433). In those orders, the Court considered the arguments submitted by Defendant in countless motions and letters, and the Court rejected them; yet Defendant continues to submit voluminous motions seeking the same relief for the same reasons already denied by this Court. For the reasons stated in those orders, which are hereby incorporated by reference, the instant motions seeking relief under the First Step Act (Doc. Nos. 434, 436, 439) are DENIED. It bears repeating that Defendant is ineligible for a sentence reduction pursuant to the First Step Act because he was sentenced on January 14, 2013, subsequent to and under application of the Fair Sentencing Act of 2010.

As to the Motion for Jail Credit, it is well-settled that the Bureau of Prisons, on behalf of the Attorney General, is responsible for calculating federal terms of imprisonment, including

computation of amount of credit after taking custody of the sentenced federal offender. United States v. Wilson, 503 U.S. 329, 331, 334-35 (1992). And, as the Fourth Circuit has explained, “A claim for credit against a sentence attacks the computation and execution of the sentence rather than the sentence itself. Judicial review must be sought under 28 U.S.C. § 2241 in the district of confinement rather than in the sentencing court.” United States v. Miller, 871 F.2d 488, 490 (4th Cir. 1989); see also Fontanez v. O’Brien, 807 F.3d 84, 85 (4th Cir. 2015). Accordingly, Defendant’s Motion for Issuance of Jail Credit is DENIED WITHOUT PREJUDICE to be raised in the appropriate district.

IT IS THEREFORE ORDERED that Defendant’s Motion to Reduce Sentence Pursuant to First Step Act of 2018 (Doc. No. 434), Motion for Release from Custody (Doc. No. 436), and Motion for Default (Doc. No. 439), are DENIED.

IT IS FURTHER ORDERED that Defendant’s Motion for Issuance of Jail Credit (Doc. No. 441) is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Signed: November 1, 2021


Frank D. Whitney
United States District Judge